



Compliance through the Investment Criteria

This document can be used to assist building owners in pursuing compliance through the investment criteria.

When the energy use intensity target (EUI_t) for a *covered commercial building* is not met, or the energy use intensity (EUI) or EUI_t cannot be calculated, compliance with the Clean Buildings Performance Standard shall be demonstrated through the investment criteria performance metric.

Note: The Clean Buildings Performance Standard consists of ASHRAE Standard 100-2018 and state amendments to ASHRAE Standard 100-2018, WAC194-50.

The following outlines steps towards demonstrating compliance through the investment criteria performance metric:

- 1) **Watch** [Clean Buildings 101](#) for an overview of the Clean Buildings Performance Standard.
- 2) **Gain** an understanding of the Clean Buildings Performance Standard.

To understand the full scope of the rules you must read both:

- [ASHRAE Standard 100-2018](#) Energy Efficiency in Existing Buildings.
- [WAC 194-50](#) (WA amendments to Standard 100).

Note: Inserts or an integrated document will be available at a later date.

- 3) **Determine** if the building is exempt. See [Annex Z4.1](#) or see the [exemption checklist](#).
- 4) **Benchmark** the building. Benchmarking is an important process in defining which performance metric to pursue for compliance with the standard.

Compliance dates are by building size:

- June 1, 2026 – over 220,000 sf
- June 1, 2027 – 90,001-220,000 sf
- June 1, 2028 – 50,000-90,000 sf

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Note: Buildings unable to measure EUI in accordance with Section 5.2 shall pursue compliance in accordance with the investment criteria performance metric and are not required to create an ESPM account.

To meet the EUI, a weather normalized EUI (WNEUI) must be developed using Energy Star Portfolio Manager (ESPM) and measure equal to or less than the target EUI.

- a) To learn how to use ESPM and benchmark your building:
 - i) You can sign up for the Environmental Protection Agency (EPA) [training series](#) on using Energy Star Portfolio Manager for benchmarking;
 - ii) Or watch [training videos](#) created by the Smart Building Center.
- b) Create an [Energy Star Portfolio Manager account](#).

Tip: Understand your utility providers' role in compliance. Utilities are required to provide energy consumption data to building owners upon request. Large utilities (greater than 25,000 customers) are required to provide this data using the Energy Star Portfolio Managers' automated upload protocol. Smaller utilities are to provide the data to building owners in an excel document, meeting Energy Star Portfolio Manager specifications (See [RCW 19.27a.170](#)).

- 5) **Develop** the EUI for the building in accordance with Sections 7 of the Clean Buildings Performance Standard.

Note: Buildings unable to develop a EUI shall pursue compliance in accordance with the investment criteria performance metric.

- 6) **Designate** an Energy Manager and identify your qualified person. A qualified person requires specific expertise, and certification. Click here for defined [roles and responsibilities](#).
- 7) **Conduct** an energy audit. A qualified energy auditor shall conduct an ASHRAE Level 2 energy audit identifying all cost effective energy efficiency measures (EEMs) in accordance with the investment criteria of [Annex X](#).
- 8) **Implement** EEMs. Implement all cost effective EEMs.

Note: Building owners may delay implementation of cost effective equipment or system EEMs through phased implementation (see [Annex Z4.5.1](#)) by applying for conditional compliance 180 days prior to the compliance date. Phased implementation requires annual and completion reporting.

- 9) **Develop and implement** the Energy Management Plan (EMP) and associated Operations and Maintenance program (O&M) for each building as outlined in Sections 5 and 6 of ASHRAE Standard 100-2018 and WAC 194-50.
 - The EMP and O&M program are mandatory requirements for all *covered commercial buildings*. Implementation of these requirements can begin at any time. The O&M Requirements must be implemented 12 months prior to the mandatory compliance date
- 10) **Verify** energy savings. In order to show compliance with the investment criteria performance metric, verification of energy savings shall reflect the following:

For buildings that do not meet the EUI:

- Post implementation energy savings shall meet or exceed 75% of the energy savings projected in the energy audit report.

For buildings that cannot measure net energy use:

- Verification must be accomplished using the methods of the [International Performance Measurement & Verification Protocol, Concepts and Options for Determining Energy and Water Savings Volume I, options A through D.](#)

11) Submit documentation of compliance. Building owners must provide the following documentation to verify the building has implemented all EEMs that meet the cost effectiveness criteria resulting from the energy audit and economic evaluation in accordance with Annex X.

- Form A – Includes documentation of weather normalized EUI and the calculated EUI for the building. It also requires upload of the building energy management plan and O&M program, in addition to Form D for reporting any energy audit performed on the building.
- Form B – Documents the EUI calculated for the building.

Note: Both Form A and B will be available on the Clean Buildings Portal.

- Form C – A specific report uploaded from the Energy Star Portfolio Manager account for the building. The report documents the weather normalized EUI in addition to other building characteristics and data.

Note: Form C is not required for buildings unable to measure EUI in accordance with Section 5.2 of the Clean Building Performance Standard.

- Form D – Energy Audit Report, Form D is a Washington State specific report within the Audit Template form of the U.S. Department of Energy's Energy Asset Score Tool.
- Form F – Annex X Investment Criteria Form provided by Commerce.
- Form G (if applicable) – Document identifying a building of historic significance. The standard allows documented buildings of historic significance omit cost effective energy efficiency measures that would adversely affect the historic significance of a registered building. This would likely only effect exterior façade measures such as window replacement.

Note: Document compliance through the Clean Buildings Portal as early as July 1st, 2023.

Need more time to comply? Conditional Compliance is a temporary compliance method that can be applied if the EUI or Investment Criteria will not be met by the scheduled compliance date. Applicants can avoid potential penalty when Conditional Compliance is approved and requirements are maintained.

For additional guidance or questions on how to achieve compliance by meeting the investment criteria, please contact buildings@commerce.wa.gov.